

REMARKS

This Amendment is fully responsive to the final Office Action mailed July 27, 2010. It is respectfully submitted that the claims contain limitations that patentably define over the references cited by the Examiner in that Office Action, for the reasons discussed in these remarks. Therefore, reconsideration and allowance of the pending claims is appropriate and respectfully requested.

Independent Claims 1 and 9

The Office Action rejects independent claims 1 and 9 in the application under 35 U.S.C. § 102(b) as anticipated by an article published by Ko et al., “Chest CT: Automated Nodule Detection and Assessment of Change Over Time - Preliminary Experience”, Radiology, 218 : 267-273 (2001) (hereafter “Ko”). The claims are amended herein in order to further distinguish the claimed subject matter from Ko. Therefore, reconsideration of the rejections of claims 1 and 9 as anticipated by Ko is respectfully requested.

Claims 1 and 9 have been amended herein to recite that the predetermined task is performed with the registered images. The predetermined task in Ko is the same as the preferred embodiment of the present application: trend control of lung tumors. See Ko, page 267, col. 2, para. 2; Application, page 2, lines 16-20. The only object constituent that is relevant to that predetermined task is the patient’s lungs, and the detected nodules within the lungs. See Application, page 2, lines 16-20 (“In the trend control of lung tumors, for instance, the lungs are the relevant object constituents.”)

The Office Action reasons that the other registered object constituents of Ko — namely the subject’s trachea, sternum and vertebrae — are relevant to a predetermined task because without utilizing those structures, locating the region (lung) which contains the nodules would take a long time and not be efficient. Thus, as reasoned in the Office Action, the claimed “predetermined task” was construed to be the image registration process itself. (And not, for example, the underlying task which in the case of Ko is the trend control of lung tumors.)

The claim interpretation of the Office Action which equates “predetermined task” in claims 1 and 9 with image registration is so broad that it is not reasonably based on the context of the claims. Claims 1 and 9 separately recite image registration and the predetermined task, thus

indicating that they are separate steps. In fact, the Office Action's claim construction is entirely circular when the claim language is considered as a whole, because claims 1 and 9 would simply cover image registration of only those image areas associated with object constituents which are relevant to image registration. Of course that is disclosed in Ko, just as it would be disclosed in almost any teaching of image registration. When the claim language is considered as a whole (not to mention the underlying specification), it is clear that the predetermined task cannot be an image registration.

Nonetheless, in order to speed prosecution, the applicants have amended claims 1 and 9 herein to clearly differentiate the recited predetermined task from image registration. More specifically, the claims have been amended to require that the predetermined task is performed with the registered images. In other words, the predetermined task is performed after the images are registered. This amendment should remove all doubt as to whether the claim term "predetermined task" may be construed so broadly as to encompass the image registration itself, because the predetermined task must be performed "with" the registered images.

For at least these reasons, Ko fails to disclose each and every limitation of claims 1 and 9, and the rejection of those claims as being anticipated by Ko should be reconsidered and withdrawn.

Independent Claim 18

The Office Action also rejects independent claim 18 in the application under 35 U.S.C. § 102(b) as anticipated by Ko. Reconsideration of this rejection is respectfully requested.

Claim 18 recites "the user selecting one or more object constituents to be registered without consideration of the first image or the second image" (emphasis added). The Office Action relies on the disclosure of Ko at page 270, col. 2, lines 14-16 as disclosing this claim limitation. However, that portion of Ko discusses a user manually identifying lung apices in an image, so that such selection is done with consideration of the image. This is the direct opposite of the claim language requiring selection without consideration of the first image or the second image. The Office Action construes claim 18 to recite that the selection is done in one image independently of the other image, but that is not what the language of claim 18 requires. Claim 18 requires the selection to be made by a user without consideration of either image.

For at least these reasons, Ko fails to disclose each and every limitation of claim 18 and the rejection of that claim as being anticipated by Ko should be reconsidered and withdrawn.

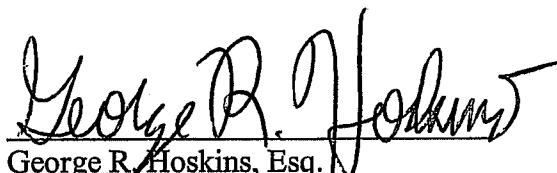
Dependent Claims 2-8, 10-17 and 19

Claims 2-8, 10-17 and 19 each ultimately depend from parent independent claim 1, parent independent claim 9 or parent independent claim 18. The Office Action rejects each of these dependent claims under 35 U.S.C. § 103(a) as being unpatentable over Ko (discussed above in connection with the parent independent claims) in view of one other companion reference. In each rejection, Ko was relied upon as teaching the limitations of the parent independent claims, and the companion reference was cited as teaching the limitations of one or more dependent claim. For at least the reasons identified above, however, Ko does not anticipate claim 1, 9 or 18. On that same basis, it is respectfully submitted that the corresponding obviousness rejections of the dependent claims should be reconsidered and withdrawn.

Conclusion

This Amendment is fully responsive to the final Office Action mailed July 27, 2010. It is respectfully submitted that the claims contain limitations that patentably define over the references cited by the Examiner, for the reasons provided in the remarks above. Therefore, reconsideration and allowance of the pending claims is appropriate and respectfully requested.

Respectfully submitted,


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